

## Message Text

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ACTION EB-08

INFO OCT-01 IO-13 ISO-00 L-03 FRB-03 OMB-01 ITC-01 SP-02  
USIA-06 AGRE-00 AID-05 CIAE-00 COME-00 INR-07 LAB-04  
NSAE-00 OIC-02 SIL-01 STR-04 TRSE-00 CIEP-01 CEA-01  
AF-08 ARA-06 EA-07 EUR-12 NEA-10 SS-15 NSC-05 /126 W  
-----261001Z 048912/10

R 260913Z JAN 77

FM USMISSION GENEVA

TO SECSTATE WASHDC 4748

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E.O. 11652: N/A

TAGS: UNCTAD

SUBJECT: THIRD UNCTAD IPG ON INTERMODAL TRANSPORT -  
STATUS REPORT AS OF NOON, JANUARY 24

1. SUMMARY: CHAIRMAN OF THE IPG (SELVIG, NORWAY) HAS  
PRODUCED A "DRAFT COMMON UNDERSTANDING...ON THE SCOPE  
OF THE DRAFT CONVENTION" WHICH HAS BEEN ACCEPTED IN PRINCIPLE  
BY THE GROUP OF 77 AND BY GROUP D. SELVIG'S PROPOSED  
COMPROMISE APPEARS TO RELEGATE MOST OF G-77 PUBLIC LAW  
PROPOSALS TO PREAMBLE OF PROPOSED CONVENTION, WITH PUBLIC  
LAW ARTICLES ONLY ON LEGISLATIVE POWERS OF STATES TO  
REGULATE MTOS. CONSULTATIONS REGARDING MT SERVICES, AND  
POSSIBLY CUSTOMS. SELVIG PAPER ACCEPTABLE TO SCANDINAVIANS  
AS BASIS FOR FUTURE CONVENTION, ALTHOUGH REMAINDER OF  
GROUP B CONTINUES TO OPPOSE (TO VARYING DEGREES)  
POSSIBLE INCLUSION OF PUBLIC LAW PROVISIONS. END SUMMARY

2. DEL DEVOTED CONSIDERABLE EFFORT LATE LAST WEEK TO  
GETTING STRONG B GROUP PLENARY STATEMENT ON LACK OF COMPELLING  
NEED FOR A CONVENTION AND REITERATING GROUP B OPPOSITION  
TO INCLUSION OF PUBLIC LAW PROVISIONS. ALTHOUGH MANY  
B'S REMAINED WARY OF SUCH A STATEMENT, GROUP B  
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AGREED ON THURSDAY TO A UK PROPOSAL TO MAKE SUCH A  
STATEMENT ORALLY IN MEETING OF GROUP COORDINATORS,  
COUPLED WITH GROUP B REQUEST FOR IMMEDIATE WORKING GROUP  
DISCUSSION OF G-77'S PROPOSALS ON SOCIAL AND ECONOMIC  
ISSUES (MTO LICENSING, BANKABILITY OF DOCUMENTS, RELATION-  
SHIP OF CONVENTION TO NATIONAL CARGO AND INSURANCE  
ALLOCATION, ETC.). US, UK AND OTHERS SAW SUCH A DIS-

CUSSION AS MEANS TO CLARIFY FOR ALL B GROUP MEMBERS  
WHETHER G-77 WISHES A FACILITATION CONVENTION OR A CODE  
OF CONDUCT FOR MTOS.

3. TO HEAD OFF SUCH A DICSUSSION, IPG CHAIRMAN PROFESSOR SELVIG (NORWAY) CIRCULATED A "DRAFT COMMON UNDER-STANDING ON THE SCOPE OF A CONVENTION" ON FRIDAY MORNING. (SELVIG HAS HAD HIS "COMPROMISE PACKAGE" UNDER PREPARATION SINCE BEGINNING OF IPG, AND HAS CARRIED ON PRIVATE CONSULTATIONS REGARDING SELECTED PORTIONS OF IT WITH MOST DELEGATION HEADS, INCLUDING U.S.). SELVIG'S PAPER SEEMS PRINCIPALLY INTENDED TO REASSURE GROUP B. MOST G-77 SOCIAL AND ECONOMIC CONCERNs RELEGATED TO CONVENTION PREAMBLE. SELVIG ALSO PROPOSED ARTICLE TO THE EFFECT THAT THE CONVENTION WOULD NOT ALTER MTO RIGHTS AND OBLIGATIONS UNDER NATIONAL LAWS OR INTERNATIONAL CONVENTIONS (PRESUMABLY THE CODE OF CONDUCT FOR LINER CONFERENCES), AND A RELATED ARTICLE RECOGNIZING RIGHT OF COUNTRIES TO REGULATE AND CONTROL MTO OPERATIONS WITHIN THEIR TERRITORY. BOTH OF THESE INVOLVE PRINCIPLE U.S. AND MOST OTHER B'S WOULD LIKELY REQUIRE IN ANY CONVENTION. ONLY SUBSTANTIVE PUBLIC LAW PROVISIONS WOULD REQUIRE CONSULTATIONS BETWEEN MTOS AND SHIPPERS REPRESENTATIVES ON INITIATION OF MTO SERVICES. ON MORE CONTROVERSIAL ISSUE OF CONSULTATIONS ON TERMS OF EXISTING SERVICES, SELVIG PROPOSED THAT GOVERNMENTS STUDY ISSUE FULLY AND DISCUSS AT 4TH IPG. ON CUSTOMS, SELVIG PROPOSED THAT 3RD IPG CONSIDER BUT TAKE NO DECISIONS ON G-77 PROPOSALS, WITH 4TH IPG TO DECIDE ON ANY POSSIBLE ACTIONS.

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4. US, UK, FRANCE AND OTHERS INSISTED THAT GROUP B TAKE NO POSITION ON SELVIG'S PROPOSAL UNTIL G-77 VIEWS RECEIVED, ON THE PREMISE THAT PAPER WOULD NOT SATISFY G-77. HOWEVER, AFTER DAY-LONG G-77 MEETING FRIDAY (ATTENDED IN PART BY SELVIG), G-77 PRONOUNCED SELVIG PAPER ACCEPTABLE, WITH ONLY A FEW MINOR CHANGES. GROUP D ALSO ENDORSED THE PAPER.

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5. SELVIG'S PAPER AND ITS ORCHESTRATION HAVE BEEN  
MASTERFUL. PAPER IS CAREFULLY DRAWN NOT TO CONFLICT  
WITH STATED OBJECTIVES OF MOST GROUP B COUNTRIES.  
PROVISIONS RELATING TO PUBLIC LAW ARE GENERALLY INNOCUOUS  
OR DEFER DIFFICULTIES. G-77 ACCEPTANCE OF PAPER  
(WHICH MIGHT BE VIEWED AS SIGNIFICANT G-77 CONCESSIONS)  
MAKES IT DIFFICULT FOR GROUP B TO REJECT PAPER, AT LEAST  
AS BASIS FOR FURTHER DISCUSSIONS ON POSSIBLE SCOPE OF  
THE CONVENTION.

6. HOWEVER, MONDAY MORNING B GROUP DISCUSSION SHOWED  
THAT AN UNEXPECTEDLY LARGE NUMBER OF GROUP B COUNTRIES  
HAD RESERVATIONS ABOUT THE PAPER, OR AT LEAST DOUBTS  
ABOUT HOW FULLY IT MIGHT BE HONORED IN THE FUTURE IF THE  
PRESENT IPG ACCEPTED IT AS THE OUTLINE OF A FUTURE  
CONVENTION. GROUP B AGREED TO US-UK PROPOSAL  
THAT GROUP B PROPOSE A DIRECT DISCUSSION OF THE  
TERMS OF THE PAPER BETWEEN GROUPS, UNDER SELVIG'S  
CHAIRMANSHIP. GROUP B CHAIRMAN STRONGLY OPPOSED THIS  
PROPOSAL, ON GROUNDS THAT SUCH A DISCUSSION MIGHT BREAK  
DOWN G-77 COMMITMENT TO SELVIG'S PAPER AND REOPEN G-77  
DEMANDS FOR OTHER PUBLIC LAW PROVISIONS. HOWEVER,  
GROUP B GENERALLY TOOK THE VIEW THAT SELVIG PAPER (AND  
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IMPLICITLY, THE DEGREE OF G-77 COMMITMENT TO ITS PROVISIONS)  
HAD TO BE CLARIFIED BEFORE GROUP B GOVERNMENTS COULD  
TAKE ACTION ON SELVIG PROPOSAL.

7. AT THE MOMENT, PROSPECTS ARE UNCLEAR. NEAR  
UNANIMOUS WISH OF GROUP B FOR DIRECT EXCHANGE WITH  
G-77 ON TERMS OF SELVIG PAPER WILL BE HARD FOR SELVIG  
TO DEFLECT. IF SUCH AN EXCHANGE TAKES PLACE, IT MAY  
HAVE ONE OR TWO EFFECTS. IT MAY SHOW THAT G-77 IS NOT  
COMMITTED TO OUTLINES OF SELVIG PAPER, AND STILL

INTENDS TO PRESS FOR MORE SWEEPING PUBLIC LAW PROVISIONS.  
ALTERNATIVELY, IT MAY CONFIRM THAT G-77 IS PREPARED TO  
GIVE UP DEMANDS FOR EXTENSIVE PUBLIC LAW PROVISIONS IN  
A CONVENTION. IN THAT CASE, A NUMBER OF B GROUP  
COUNTRIES HAVE INDICATED WISH TO PREPARE B GROUP STATE-  
MENT PINNING DOWN THE DETAILS OF PROPOSED COMPROMISE  
ON THE SCOPE OF A NEW CONVENTION.

8. DEL HAS MADE CLEAR WITHIN GROUP B THAT U.S. NOT  
NOW ALTERING ITS LONG-STANDING OPPOSITION TO  
INCLUDING PUBLIC LAW PROVISIONS IN ANY MT CONVENTION,  
AND THAT POSSIBILITY OF CHANGES IN U.S. POSITION MUST  
AWAIT OUT COME OF IPG AND PRECISE CLARIFICATION OF  
G-77 INTENTIONS.

COMMENT: ALTHOUGH NOT CERTAIN, IT NOW SEEMS  
PROBABLE THAT IPG WILL HAVE A FOURTH SESSION, NOW  
SCHEDULED FOR NOVEMBER, 1977. WHATEVER OPPORTUNITY  
MAY HAVE EXISTED FOR DRAWING THE EXERCISE UP SHORT  
LAST WEEK (BEFORE CIRCULATION OF SELVIG'S COMPROMISE  
PACKAGE) IS NOW PROBABLY GONE. CATTO

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## Message Attributes

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